

EXHIBIT A

STATE OF NEW YORK
SUPREME COURT : COUNTY OF NIAGARA

PAMELA MARTINUCCI
5300 Sweet Home Road, Apt 2
Niagara Falls, New York 14305

Plaintiff

v.

WALMART, INC.
702 Southwest 8th Street
Bentonville, Arkansas 72716,

WAL-MART STORES EAST, INC.
702 Southwest 8th Street
Bentonville, Arkansas 72716,

and

WAL-MART STORES EAST, L.P.
702 Southwest 8th Street
Bentonville, Arkansas 72716,

Defendants.

Index No.

Plaintiff(s) designate(s) Niagara
County as the place of trial

Summons

The Basis of Venue is N.Y.
C.P.L.R. 503(a).

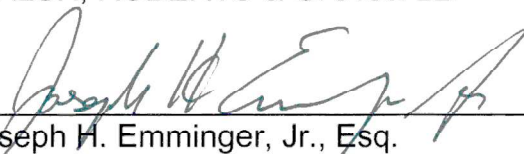
To the above named Defendant(s):

YOU ARE HEREBY SUMMONED to answer the Complaint in this action and to serve a copy of your Answer, or, if the Complaint is not served with this summons, to serve a Notice of Appearance, on the counsel for plaintiff(s) within TWENTY (20) DAYS after the service of this Summons, exclusive of the day of service (or within THIRTY (30) DAYS after the service is complete if this Summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the Complaint.

DATED: Buffalo, New York
March 1, 2021

Yours,

WALSH, ROBERTS & GRACE LLP

A handwritten signature in blue ink, appearing to read "Joseph H. Emminger, Jr.", is written over a horizontal line.

Joseph H. Emminger, Jr., Esq.

Attorneys for Plaintiff

Office & Post Office Address:

400 Rand Building

14 Lafayette Square

Buffalo, New York 14203-1928

(716) 856-1636

STATE OF NEW YORK
SUPREME COURT : COUNTY OF NIAGARA

PAMELA MARTINUCCI

Plaintiff

Index No.

v.

Complaint

WALMART, INC.,
WAL-MART STORES EAST, INC. and
WAL-MART STORES EAST, L.P. ,

Defendants.

The plaintiff, above-named, by her attorneys, WALSH, ROBERTS & GRACE, for her Complaint against the defendants herein, alleges:

FIRST: That at all times hereinafter mentioned, the plaintiff was and still is a resident of the City of Niagara Falls, County of Niagara and State of New York.

SECOND: That upon information and belief, and at all times hereinafter mentioned, the defendant, WALMART, INC., was and still is a foreign business corporation, authorized to do business in the State of New York, with its principal executive office located at 702 Southwest 8th Street, Bentonville, Arkansas, 72716.

THIRD: That upon information and belief, and at all times hereinafter mentioned, the defendant, WAL-MART STORES, EAST, INC., was and still is a foreign business corporation, authorized to do business in the State of New York, with its principal executive office located at 702 Southwest 8th Street, Bentonville, Arkansas, 72716.

FOURTH: That upon information and belief, and at all times hereinafter mentioned, the defendant, WAL-MART STORES EAST, L.P., was and still is a foreign

limited partnership, authorized to do business in the State of New York, with its principal executive office located at 702 Southwest 8th Street, Bentonville, Arkansas, 72716.

FIFTH: That upon information and belief and at all times hereinafter mentioned, the defendant, WAL-MART STORES, INC., owned, operated, managed, controlled, leased and/or possessed the Wal-Mart Store located at 1540 Military Road, Niagara Falls, New York, 14304.

SIXTH: That upon information and belief and at all times hereinafter mentioned, the defendant, WAL-MART STORES, EAST, INC., owned, operated, managed, controlled, leased and/or possessed the Wal-Mart Store located at 1540 Military Road, Niagara Falls, New York, 14304.

SEVENTH: That upon information and belief and at all times hereinafter mentioned, the defendant, WAL-MART STORES EAST, L.P., owned, operated, managed, controlled, leased and/or possessed the Wal-Mart Store located at 1540 Military Road, Niagara Falls, New York, 14304.

EIGHTH: That as owner/operator in possession of the aforementioned premises, the defendant, WAL-MART STORES, INC. was under a duty to keep and maintain the premises in a reasonably safe and proper condition for persons lawfully upon said premises.

NINTH: That as owner/operator in possession of the aforementioned premises, the defendant, WAL-MART STORES, EAST, INC. was under a duty to keep and maintain the premises in a reasonably safe and proper condition for persons lawfully upon said premises.

TENTH: That as owner/operator in possession of the aforementioned premises, the defendant, WAL-MART STORES EAST, L.P. was under a duty to keep and maintain the premises in a reasonably safe and proper condition for persons lawfully upon said premises.

ELEVENTH: That on or about June 2, 2018, while the plaintiff, PAMELA MARTINUCCI, was lawfully upon the aforementioned premises, she was caused to slip, fall and sustain serious personal injuries.

TWELFTH: That the fall and injuries suffered by the plaintiff, PAMELA MARTINUCCI, were caused wholly and solely by reason of the negligence of the defendants, with no negligence on the part of the plaintiff contributing thereto.

THIRTEENTH: That the negligence of the defendants, and their agents, servants, and/or employees, consisted of: failing to properly maintain the premises; failing to properly clean and mop the floor of the premises; failing to properly take steps to warn the plaintiff of a slippery condition; failing to take proper measures to mop, clean or otherwise clear the floor of water, fluid, or other liquids on the floor of the aforementioned premises; failing to properly maintain the premises in a reasonably safe condition for patrons such as the plaintiff; failing to erect barricades, guards, pylons, cones, signs or other devices to prevent persons such as the plaintiff from transversing the aforementioned premises when the same was slippery and wet; failing to take appropriate, reasonable and prudent measures to provide for the safe passage of customers on the premises; failing to warn the plaintiff and others of the hazardous and dangerous condition of the aforementioned premises; allowing and permitting the floor of the aforementioned premises to be in and to remain in a condition which would allow

water, fluid, and/or other liquid to be present thereon; causing a slipping hazard at the aforementioned premises; creating and/or allowing a hazardous condition to exist, with actual and/or constructive notice of said condition; violating the laws, statutes, ordinances, rules and regulations of the State of New York; and that the defendants were otherwise negligent.

FOURTEENTH: That by reason of the negligence of the defendants as hereinbefore alleged, the plaintiff, PAMELA MARTINUCCI, was caused to slip and fall, suffering grievous and serious personal injuries, pain and suffering, disability and limitation of use and motion, loss of earnings and permanent disability, all to her damage in an amount which exceeds the jurisdictional limits of all other New York State Courts which would otherwise have jurisdiction of this action.

WHEREFORE, plaintiff demands judgment against the defendants herein in the sum which exceeds the jurisdictional limits of all lower Courts which would otherwise have jurisdiction of this matter.

DATED: Buffalo, New York
March 1, 2021

Yours,



By: Joseph H. Emminger, Jr., Esq.
WALSH, ROBERTS & GRACE LLP
Attorneys for Plaintiff
Office and Post Office Address
400 Rand Building
14 Lafayette Square
Buffalo, NY 14203-1928
(716) 856-1636